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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,805	10/31/2003	Bruno Broger	5359	1163

26936 7590 06/06/2006

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EXAMINER

JIMENEZ, MARC QUEMUEL

ART UNIT	PAPER NUMBER
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3726

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

JP

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/697,805	BROGER ET AL.	
	Examiner	Art Unit	
	Marc Jimenez	3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 22-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 10/017,508.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/31/03</u>  | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: please update the first line of the specification to include - - , now abandoned - - after “December 18, 2001”.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 36, 38 and 39** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 36 recites “said modified polyamines” which lacks proper antecedent basis.

Claims 38 and 39 are directed to use of a kit according to the method of claim 22. It is unclear what specifically is being claimed. There appears to be two inventions claimed.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 22-24, 27, 28, 34, 38 and 39** are rejected under 35 U.S.C. 102(b) as being anticipated by Thomas (US6068100).

Thomas teaches a method for exchanging an elastic casing **34** of a roller having both a core **16** which carries the casing **34** and a fastening layer **28,40,36,32** between the casing **34** and the core **16**, the method comprising the steps of: removing the casing **34** and a portion of a fastening layer **28,40,36,32** (col. 3, line 11), thereby reducing at least part of the fastening layer thickness, centering a new casing **34** on the core **16** (col. 4, lines 1-2), filling any remaining intermediate space between the partly removed fastening layer **28,40,36,32** and the casing **34** with a material **36** (col. 4, line 1, see also col. 4, lines 6-10 where the old base layer is removed and a new carrier strip is adhesively secured), thereby connecting the casing **34** to the partly removed fastening layer **28,40,36,32**.

Regarding claims 23, 24, 27 and 34, the adhesives in the fastening layer is a curable material that is a curing liquid (col. 4, lines 60-61). Note that acrylic grade 1 and one part epoxy in adhesive is considered a liquid and is a cross-linking material which cures substantially without shrinkage, it is also considered a two-component material. Epoxy also consist of two-component material.

Regarding claim 28, material is chosen so as to reduce the difference of the moduli of elasticity of the core and the casing.

Regarding claims 38 and 39, note core **16** and casing **14**.

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6. **Claims 25-26** are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Thomas.

Thomas inherently meets the claimed thickness of the fastening layer as shown by the size in scale of the layer in figures 3 and 5 and in view of the relative size of the layer with respect to the typical size of a roller conveyor. Alternatively, official notice is taken that it was well known to a person of ordinary skill in the art, at the time of the invention, to have provided the invention of Thomas with the claimed thickness ranges, in order to provide a roll having the desired outer diameter.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 29 and 35-37** are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas.

Thomas teaches the invention cited above with the exception of choosing the material to have the claimed modulus of elasticity range and properties and using the specific materials (modified polyamines or polyamidoamine).

It is noted however, that materials used for rollers come in various modulus of elasticity

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ranges, and official notice is taken that the claimed ranges are well known in the art. It is noted that similar to applicant's invention, Thomas also uses epoxy for the claimed fastening layer material.

At the time of the invention, it would have been an obvious matter of design choice to a person of ordinary skill in the art, to have used the claimed modulus of elasticity ranges and properties because applicant has not disclosed that the claimed modulus of elasticity ranges and properties provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with either the materials taught by Thomas or the claimed materials because either materials perform the same function of creating a repairable roller equally well.

9. **Claims 30-33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas in view of Budinger et al. (US4198739).

Thomas teaches the invention cited above with the exception of roughening the inner wall of the casing.

Budinger et al. teach roughening **16** the inner wall of a casing.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Thomas with roughening the inner wall of the casing, in light of the teachings of Budinger et al., in order to provide a surface that will bond with the adhesive material placed thereon.

The specific roughness is considered an obvious matter of design choice to a person of

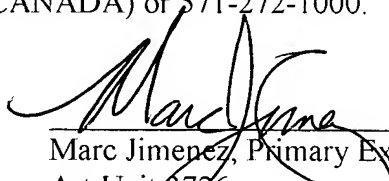
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ordinary skill in the art, at the time of the invention, depending upon the characteristics of the desired adhesive material used.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Jimenez whose telephone number is (571) 272-4530. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Marc Jimenez, Primary Examiner  
Art Unit 3726

MJ  
5-31-06